

B-Engrossed
House Bill 2819

Ordered by the Senate June 6
Including House Amendments dated March 14 and Senate Amendments
dated June 6

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for State Forestry Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act relates to fire protection. The Act allows citations on certain bases. (Flesch Readability Score: 63.5).

Authorizes the State Forester or a person authorized by the State Forester to issue citations if there *[are reasonable grounds]* **is probable cause** to believe violations have occurred.

A BILL FOR AN ACT

1
2 Relating to fire protection enforcement procedures; amending ORS 477.985.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 477.985 is amended to read:

5 477.985. **(1) As used in this section:**

6 **(a) "Credible witness" means a person who has observed conduct alleged to constitute a**
7 **violation and whose statement about the observation is reliable based on:**

8 **(A) The content of the observation;**

9 **(B) The circumstances around the observation; and**

10 **(C) Whether the observation is consistent with any other evidence.**

11 **(b) "Enforcement officer" means the State Forester or a person authorized by the State**
12 **Forester.**

13 **(2)** *[In addition to any other persons permitted to enforce violations, the State Forestry Department*
14 *and the State Forester, or any employee specifically designated by the department or by the State*
15 *Forester,]* **An enforcement officer** may issue *[citations for violations]* **a citation for a violation**
16 established under ORS 477.993 in the manner provided by ORS chapter 153.

17 **(3) Notwithstanding ORS 153.042, an enforcement officer may issue a citation for a vio-**
18 **lation as described in subsection (2) of this section when the enforcement officer did not**
19 **observe the conduct alleged to constitute a violation if the enforcement officer has probable**
20 **cause to believe that the conduct constitutes a violation based on physical evidence or a**
21 **statement provided by a credible witness.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.